

or other diseases in poultry; and would be efficacious to produce the beneficial effects implied by the expression "It Builds" were false and misleading, since it would not be efficacious for such purposes.

The Pep-O-Tone was alleged to be misbranded in that statements in the labeling which represented that it would be efficacious in the treatment of bronchial and pneumonic conditions, diarrhea in chicks, coccidiosis, fowl cholera, small worms, roup, and all common diseases of baby chicks; would tone and build up baby chicks and prevent disease; and would prevent disease if used at all times were false and misleading, since it would not be efficacious for such purposes. It was alleged to be misbranded further in that the statement "Copper Sulphate 3%," borne on the label, was false and misleading, since it contained not more than 0.81 percent of copper sulfate.

On May 6, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

648. Misbranding of N-K Capsules. U. S. v. 2 Cases of N-K Capsules Adult Size and 4 Cases of N-K Capsules Chick and Pullet Size. Decree of condemnation and destruction. (F. D. C. No. 2650. Sample Nos. 24368-E, 24369-E.)

On August 22, 1940, the United States attorney for the District of New Jersey filed a libel against the above-named products at Vineland, N. J., alleging that they had been shipped on or about May 22, June 11, and July 12 and 16, 1940, by Pratt Food Co. from Philadelphia, Pa.; and charging that they were misbranded.

Analyses of samples of the articles showed that they consisted essentially of nicotine (0.8 grain per capsule in the adult size and 0.35 grain per capsule in the chick size), sulfur, aloin, kamala, strychnine, burnt sienna, talc, sugar, carbon, a magnesium compound, and stearates.

The adult-sized capsules were alleged to be misbranded in that their labeling bore representations that they were efficacious in the expulsion or removal from chickens of the following species of tapeworms: *R. Tetragona*, *D. cesticillus*, *D. echinobothrida*, and *M. lucida*, which representations were false and misleading since they would not be efficacious in the expulsion or removal of any species of tapeworms from chickens.

The chick-sized capsules were alleged to be misbranded in that their labeling bore representations that they were efficacious in the expulsion or removal from chickens of the following species of tapeworms: *R. tetragona*, *D. cesticillus*, *D. echinobothrida*, and *M. lucida*, and in the expulsion or removal of large roundworms, which representations were false and misleading since they would not be efficacious in the expulsion or removal of any species of tapeworms, and because of the small amount of nicotine present they would not be efficacious in the expulsion or removal of large roundworms.

On October 11, 1941, Pratt Food Co., intervening defendant, having stated that it had ceased manufacturing and marketing these or similar products and that it had no intention of doing so in the future, and having made application for permission to withdraw exceptions to the libel and petition for intervention previously filed in its behalf, the court granted the application to withdraw the exceptions to the libel, and entered a decree of condemnation and destruction.

649. Misbranding of Lipscomb's Sungold Egg Pellets. U. S. v. 17 Bags of Lipscomb's Sungold Egg Pellets. Default decree of condemnation and destruction. (F. D. C. No. 5014. Sample No. 67195-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the control and treatment of worms in poultry.

On June 27, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 17 bags of the above-named product at Hoxie, Ark., alleging that the article had been shipped in interstate commerce on or about May 8, 1941, by the Lipscomb Grain & Feed [Seed] Co. from Springfield, Mo.; and charging that it was misbranded.

Analysis showed that the article consisted of brown, cylindrical pellets containing chiefly ground plant material, together with small amounts of nitrogenous material and mineral matter, including calcium, iron, sodium, magnesium, manganese, sulfur, carbonate, and a minute quantity of nicotine.

The article was alleged to be misbranded in that statements in the labeling which represented that it would be efficacious in the treatment and control of worms; that it would provide a "wall of protection" against worms getting started; that it was an effective agent with which to combat all kinds of poultry worms in all stages of their life cycle; that it was equally valuable for chickens, turkeys, ducks, and geese; that it would protect fowls from

contracting such worms as tapeworms and many kinds of worms that cannot successfully be removed once they become fixed; that it would remove roundworms and caeca worms; that it would attack the life in the worm egg while in the fowl's intestine; and would combat little worms just hatched or released from intermediate hosts, were false and misleading since it would not be efficacious for such purposes.

On August 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

650. Misbranding of Walko Tablets. U. S. v. 4,968 Boxes and 1,008 Boxes of Walko Tablets. Default decree of condemnation and destruction. (F. D. C. No. 4547. Sample Nos. 58475-E, 58476-E.)

The labeling of this product bore false and misleading representations regarding its efficacy (also the efficacy of another drug) in the treatment and control of certain poultry diseases.

On May 2, 1941, the United States attorney for the District of Minnesota filed a libel against 4,968 boxes, each containing 100 tablets, and 1,008 boxes, each containing 250 tablets, of Walko Tablets at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about February 21, 1941, by the Walker Remedy Co. from Waterloo, Iowa; and charging that it was misbranded.

Analysis showed that it consisted essentially of potassium permanganate, boric acid, and calcium sulfate.

The article was alleged to be misbranded in that statements in the labeling which represented that it would be efficacious in the treatment of simple catarrh, sneezing and wheezing, simple diarrhea, coccidiosis, nutritional diseases, rickets, and polyneuritis; that it would keep the entire digestive tract of poultry in a normal and healthy condition, would prevent digestive disturbances among baby chicks; that it was a control measure during infectious diseases, and would be efficacious for the swellings of roup in the head and simple catarrh among older birds; that it would prevent poultry losses; that it would be effective to control bacillary white diarrhea (Pullorum Disease), would aid in the control of infectious diseases among chickens, turkeys, geese, ducks, squabs, pheasants, parrots, and canaries, and would enable chicks to develop more quickly and feather earlier; and that another drug, namely Walko Tonix, would promote digestion, stimulate the liver and other functions, and would bring birds back to normal and keep them in the pink of condition, thus insuring greater egg production and would make feathers smooth and glossy, combs red, and would start hens laying, were false and misleading since the articles would not be efficacious for such purposes.

On July 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MOLESKIN PLASTER IN DECEPTIVE CONTAINERS

651. Misbranding of moleskin adhesive plaster. U. S. v. 23 Dozen and 22½ Dozen Packages of Moleskin Adhesive Plaster. Consent decree of condemnation. Product ordered delivered to a local hospital. (F. D. C. No. 2477. Sample Nos. 33712-E to 33716-E, incl.)

These plasters were contained in packages that were much larger than was necessary. At least twice the length of plaster could easily have been placed in the containers.

On August 5, 1940, the United States attorney for the Southern District of New York filed a libel against 45½ dozen retail packages of Moleskin plasters at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about January 19 to on or about March 1, 1940, by Bauer & Black Division of the Kendall Company from Chicago, Ill.; and charging that it was misbranded. The articles were labeled in part: "Moleskin Blue-Jay Zinc Oxide Adhesive 7 Inches x ½ Yard"; or "Adhesive Plaster Moleskin Zinc Oxide 7 Inches x 1 Yard."

The articles were alleged to be misbranded in that their containers were so made, formed, or filled as to be misleading.

On October 6, 1941, the Kendall Co., claimant, having filed an amended answer admitting the allegations of the libel and consenting to the entry of the decree, judgment of condemnation was entered and the product was ordered delivered to a local hospital.